

ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY

MINUTES
AUGUST 21, 2012

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, August 21, 2012, at the Ontario City Hall, 303 East B Street, Ontario, CA.

CLOSED SESSION

The Mayor called the City Council/ Housing Authority meetings to order at 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item.

Cory Briggs advised Council Members that he was serving them with a subpoena in the matter of the Inland Oversight Committee vs the City, U. S. District Court, Case #EDCV 12-00178 that included a check for \$45 for each Member for the cost of duplicating records and appearing as witnesses.

Council Member Wapner asked the City Attorney if it is possible to add this matter to Closed Session discussion since it was received subsequent to posting of the Agenda.

MOTION: Moved by Council Member Wapner, seconded by Mayor Leon, and unanimously carried to add the item as an urgency matter to the Closed Session Agenda.

Noting that all Members were present, the meetings adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1008-431-17, 1008-431-21, 1008-431-22, 1008-431-25; 1425-1445 North Mountain Avenue; City/Successor Agency to ORA Negotiator: Chris Hughes or his designee; Negotiating parties: Pacific Development Group; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0238-152-33; 2145 South Milliken Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Azalea Du; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0211-321-10 and 1083-352-02; 2202 S. Milliken Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Joseph Davies; Under negotiation: Price and terms of payment.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1083-351-05 and 0211-312-04; 4000 East Mission Boulevard;
City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties:
Sumitomo Bank Leasing and Finance, Inc.; Under negotiation: Price and terms
of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1083-351-06; 4100 East Mission Boulevard; City/Authority
Negotiator: Chris Hughes or his designee; Negotiating parties: Tyson Chave;
Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1083-351-07; 4200 East Mission Boulevard; City/Authority
Negotiator: Chris Hughes or his designee; Negotiating parties: Andrew
Kahlman; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1083-351-08; 2350 South Milliken Avenue; City/Authority
Negotiator: Chris Hughes or his designee; Negotiating parties: Bob Burggraf;
Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 156-020-044; 3100 South Milliken Avenue; City/Authority Negotiator:
Chris Hughes or his designee; Negotiating parties: Tony Rigdon; Under
negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1057-212-01; City/Authority Negotiator: Chris Hughes or his
designee; Negotiating parties: Mill Creek Farming Associates, LLC (Stueve
Brothers Trust); Under negotiation: Price and terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: *One or more cases: City of Los Angeles/Los Angeles World
Airports (LAWA).*

URGENCY ITEM added by unanimous vote of the City Council:

- GC 54956.9 (a) , CONFERENCE WITH LEGAL COUNSEL, EXISTING
LITIGATION: Inland Oversight Committee vs. City of Ontario, Case #ED CV 12-
00178-)A

CALL TO ORDER

The Mayor called the City Council/ Housing Authority meetings to order at 6:33 p.m., and requested the City Clerk to call the roll.

PRESENT: Mayor/ Chairman Paul S. Leon
 Mayor pro Tem/ Vice Chairman Sheila Mautz
 Council/ Authority Members: Alan D. Wapner, Jim W. Bowman, and
 Debra Dorst-Porada

ABSENT: None

Also present were City Manager/Executive Director Chris Hughes, City Attorney John Brown and City Clerk/ Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Mayor pro Tem Mautz.

The Invocation was offered by *Rabbi Gil Alchadeff*, Temple Shalom of Ontario.

CLOSED SESSION REPORT

City Attorney Brown advised that no reportable action was taken in Closed Session.

PUBLIC COMMENTS

Tim Ward, Assistant Superintendent of the Chaffey Joint Union High School District, and Board Member *Josie Estrada* addressed Council Members with respect to Measure P, Local Neighborhood School Improvement, on the November ballot. Mr. Ward said the money is needed to refurbish older buildings in the district and address the technology needs of students who are college bound or going to work in today's technological environment. Mr. Ward added two roofs will be replaced and air conditioning added to schools that lack it.

Mayor Leon requested an overview of Measure P. Assistant Superintendent Ward said Chaffey is the fourth largest high school district in the country and every classroom will have improved technology and improved infrastructure. The bond measure is a 20-year plan to fund campus improvements and updated technology to prepare all students for the working world. Council Member Wapner thanked Mr. Ward for his years of service to the community and said he is happy to support and endorse the proposition. At a question from Council Member Wapner, Mr. Ward said the average parcel cost is \$19 per \$100,000 of assessed value. Council Member Dorst-Porada said she has seen great academic improvement over the past 8 years. People want to buy homes in Ontario because our education system is doing such a wonderful job. Mayor pro Tem Mautz said Mr. Ward was a great principal and a very enthusiastic Chaffey Tiger. She is happy they are coming forward with this and endorsed their efforts. Council Member Bowman thanked him for the work he is doing with the students and endorsed the Measure adding he is a Tiger as well.

Mayor Leon said that Chaffey High School reaches outside the community noting Gardiner Spring Auditorium has been a jewel in the region, but said it needs air

conditioning and asked whether this will be cared for as well. Assistant Superintendent Ward said the buildings were constructed in 1937 and technology updates are very much needed in all the schools. Mr. Ward acknowledged that Gardiner Spring is the center of the community and guaranteed that air conditioning will come to the Auditorium if the Measure passes. He added that students can accomplish anything they want and deserve the same opportunities that newer schools can provide. Mr. Ward said that 19% of San Bernardino County residents have Bachelor's Degrees as compared to 35% in Orange County and 28% in Los Angeles County; he added that he has just completed an agreement by which students who meet program requirements are guaranteed enrollment at California Polytechnic College in Pomona. He advised that those wishing to support Measure P may obtain an endorsement sheet from the City Clerk.

SPECIAL CEREMONIES

RECOGNITION OF ALBION SC USA GIRLS U14 ECNL NATIONAL CHAMPIONS

Mayor Leon noted that he was contacted by Chris Leggio regarding this team's accomplishments. Mr. Leggio introduced Coach Noah Kooiman for an overview of the team and their accomplishments. Council Members recognized and congratulated the members of Albion SC USA Girls U15, a local girls' soccer team who has been playing together as a team since they were 7 years old and they are now 15 years old. They are part of the Elite Clubs National League (ECNL). Coach Noah Kooiman indicated they practice at Chaffey High School and said they achieved State Cup Championship at the age of 11, State Regional Championship at the age of 12, and State Regional Championship at the age of 13, now achieving National Championship at the age of 15. Coach Kooiman added that two of the girls are currently training with the national team. Mayor Leon presented them with a plaque honoring their achievement and Council Members congratulated and thanked each team member.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members that revised Exhibits A, B, and C were submitted to Council Members for Agenda Item #3, *Special Assessments*.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada, the Joint Agencies approved the following Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

City Council approved Minutes for the regular meetings of the City Council and Housing Authority dated July 3 and July 17, 2012; and the Special Meeting of the

City Council and Housing Authority on June 22, 2012, as on file in the Records Management Department.

2. BILLS/ PAYROLL

City Council approved Bills in the amount of \$17,634,643.33, from June 17, 2012 through July 17, 2012; and Payroll in the amount of \$2,402,890.70, from June 17, 2012 through July 17, 2012, when audited by the Finance Committee.

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS

City Council adopted a Resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on County tax rolls.

RESOLUTION NO. 2012-065 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES

4. FIRST AMENDED AND RESTATED AGREEMENT FOR THE FINANCING AND CONSTRUCTION OF LIMITED INFRASTRUCTURE IMPROVEMENTS TO SERVE AN EASTERLY PORTION OF THE NEW MODEL COLONY/NMC BUILDERS LLC

City Council authorized the City Manager to execute a First Amended and Restated Agreement with NMC Builders LLC for the financing and construction of infrastructure improvements to serve an easterly portion of the New Model Colony.

5. AGREEMENT FOR THE CONSTRUCTION OF THE MILL CREEK WETLANDS PROJECT AND RECOGNITION OF CERTAIN GRANT REIMBURSEMENT OBLIGATIONS RELATED TO THE DESIGN AND CONSTRUCTION OF THE MILL CREEK WETLANDS PROJECT/NMC BUILDERS LLC

City Council authorized the City Manager to execute an agreement and future administrative amendments between the City and NMC Builders LLC, of Upland, CA for the construction of the Mill Creek Wetlands Project that will provide a regional storm water facility to serve the eastern portion of the New Model Colony; and recognition of certain grant reimbursement obligations related to the design and construction of the Mill Creek Wetlands Project.

6. A RESOLUTION APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34177

The City of Ontario as the Successor Agency of the former Ontario Redevelopment Agency adopted a Resolution approving the Redevelopment Agency's Recognized Obligation Payment Schedule covering the period of January 1 through June 30, 2013.

RESOLUTION NO. 2012-066 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SERVING AS THE SUCCESSOR AGENCY TO THE DISSOLVED ONTARIO REDEVELOPMENT AGENCY, APPROVING AND ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(l).

7. REGIONAL STORM DRAINAGE IMPROVEMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF CHINO

City Council approved and authorized the City Manager to execute the regional storm drainage improvement reimbursement agreement with the City of Chino.

8. A RESOLUTION ADOPTING TIME LIMIT PARKING ON PORTIONS OF THE EAST SIDE OF EUCLID AVENUE (SR-83) JUST SOUTH OF C STREET, AS WELL AS JUST SOUTH OF EL MORADO COURT

City Council adopted a Resolution approving time limit parking of 24 minutes at 240 North Euclid Avenue and of 2 hours at 718 North Euclid Avenue from 9 a.m. to 5 p.m. excluding Sundays and holidays, as per California Vehicle Code Section 22506 and Ontario Municipal Code Section 4-6.1104.

RESOLUTION NO. 2012-067 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TIME LIMIT PARKING ON THE EAST SIDE OF EUCLID AVENUE (SR-83) SOUTH OF C STREET, AND SOUTH OF EL MORADO COURT.

9. AGREEMENT FOR CONSULTING SERVICES FOR CUSTOMER INFORMATION/ UTILITY BILLING SYSTEMS (CIS) SUPPORT /INFORMATION MANAGEMENT TECHNOLOGIES

City Council authorized the City Manager to execute a five-year agreement with Information Management Technologies (IMT), of Corona, California, for an estimated annual amount of \$97,850, or \$489,250 over the five-year term.

10. AMENDMENT TO THE EXTENDED SERVICES AGREEMENT FOR MAINTENANCE AND SUPPORT OF THE CITY'S PUBLIC SAFETY DISPATCH SYSTEMS AND A PURCHASE AGREEMENT FOR THE MOBILECOM MESSAGING MODULE/TIBURON INC.

City Council approved and authorized the City Manager to execute an amendment to the existing extended services agreement with Tiburon, Inc., of San Ramon, CA to allow for ongoing maintenance and support of the City's public safety dispatch systems at an estimated annual cost of \$150,000; and authorized the purchase of the Tiburon MobileCom Messaging Module for \$75,000.

11. SERVICE AGREEMENT FOR EMERGENCY GENERATOR MAINTENANCE AND REPAIR SERVICES AT VARIOUS CITY LOCATIONS/A.G. ENGINEERING, INC.

City Council authorized the City Manager to execute a three-year Maintenance Service Agreement in the amount of \$160,425 including a 15% contingency with A.G. Engineering, Inc., of Rancho Cucamonga, CA for scheduled maintenance and repairs on the City's emergency electrical generators; authorized the addition of future generator service locations; and authorized the option to extend the agreement for up to two additional years consistent with City Council-approved budgets.

12. EXTENSION OF A PURCHASE AGREEMENT FOR ROADWAY SIGNS AND HARDWARE/MAIN STREET SIGNS

City Council authorized the City Manager to amend and extend the purchase agreement for procurement of roadway signs and hardware for one additional year under Purchase Order No. 31876 (Bid Invitation #115) with Main Street Signs of Ontario, CA resulting in an amended not-to-exceed amount of \$119,000.

13. APPROVAL OF AGREEMENTS WITH THE SECRETARY OF THE ARMY (ARMY CORPS OF ENGINEERS) AND THE CALIFORNIA DEPARTMENT OF FISH & GAME FOR THE MILL CREEK WETLANDS PROJECT

City Council authorized the City Manager to execute documents, agreements, permits, and easements necessary to implement the Cucamonga Creek Regional Water Quality Project (Mill Creek Wetlands).

14. ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2013 FOR “AVOID THE 25” DUI CAMPAIGN AND AWARENESS GRANT PROGRAM

City Council authorized the City Manager to execute all documents necessary to accept a 12-month grant award in the amount of \$360,000 from the Office of Traffic Safety (OTS) as host agency in a multi-agency task force targeting driving under the influence (DUI) enforcement to reduce alcohol related activity.

15. ACQUISITION OF VIDEO DOWNLINK RECEIVER RADIOS UNDER THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM

City Council authorized the City Manager to execute a purchase agreement with Helinet Technologies LLC of Van Nuys, CA for the acquisition of six aviation video downlink mobile receiver radios in the amount of \$150,000; and authorized any future amendments to the agreement up to the approved grant award.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2012-065, 2012-066, and 2012-067 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

16. A PUBLIC HEARING TO CONSIDER AN ORDINANCE REPEALING TITLE 6, CHAPTER 9 “REFUSE ABATEMENT” OF THE ONTARIO MUNICIPAL CODE AND ADOPTING A NEW TITLE 6, CHAPTER 9 OF THE ONTARIO MUNICIPAL CODE RELATING TO “WEED AND REFUSE ABATEMENT”

City Council conducted a public hearing and introduced and waived further reading of an Ordinance repealing in its entirety Title 6, Chapter 9 “Refuse Abatement” of the Ontario Municipal Code (OMC), adopted a new Title 6, Chapter 9 relating to weed and refuse abatement; and approved a Weed and Refuse Abatement Program.

Notice of public hearing was duly given and affidavit of compliance is on file in the Records Management Department.

There were no written communications, and no one wishing to be heard, the Mayor closed the public hearing.

ORDINANCE NO. 2956 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING CHAPTER 9, TITLE 6 OF THE ONTARIO MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 9, TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO WEED AND REFUSE ABATEMENT

was introduced for first reading by title only. **MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada, and unanimously carried to accept said Ordinance for introduction.

17. **A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY; IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SEA PARTNERS, LLC, FOR THE DEVELOPMENT OF THE HOLT/ BON VIEW INFILL COMMERCIAL BUILDING PROJECT**

City Council conducted a public hearing and adopted a Resolution approving the Disposition and Development Agreement between the City of Ontario and Sea Partners, LLC, of Newport Beach, CA; and authorized the City Manager to execute the agreement on behalf of the City.

Notice of public hearing was duly given and affidavit of compliance is on file in the Records Management Department.

RESOLUTION NO. 2012-068 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SEA PARTNERS, LLC, FOR THE DEVELOPMENT OF THE HOLT/BON VIEW INFILL COMMERCIAL BUILDING PROJECT

was read by title only. **MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Mautz, and unanimously carried to adopt said Resolution No. 2012-068.

ADMINISTRATIVE REVIEW/ DISCUSSION

A JOINT EXERCISE OF POWERS AGREEMENT FORMING THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

City Council received a report from the Council Aviation Committee; adopted a Resolution approving a Joint Exercise of Powers Agreement with the County of San Bernardino forming the Ontario International Airport Authority subject to non-substantive changes and approval by the County of San Bernardino; authorized the City Manager to execute the agreement; and adopted a Resolution designating initial members of the Ontario International Airport Authority Commission.

RESOLUTION NO. 2012-069 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A JOINT POWERS AGREEMENT, SUBSTANTIALLY IN THE FORM ATTACHED HERETO AS EXHIBIT "A", WHICH PROVIDES FOR THE FORMATION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO OPERATE, MAINTAIN, MANAGE, ADMINISTER, DEVELOP, AND MARKET THE ONTARIO INTERNATIONAL AIRPORT LOCATED WITHIN THE CITY OF ONTARIO, CALIFORNIA.

RESOLUTION NO. 2012-070 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING CITY APPOINTEES TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION.

Council Member Dorst-Porada said she is very excited to see this item come forward. She noted they would all like to be on this committee but supported the subcommittee who will take it forward saying she hopes Los Angeles World Airports (LAWA) gives up ONT tomorrow.

Council Member Bowman thanked Council and Mr. Wapner for their continued support. Mayor Leon thanked both Council Member Bowman and Council Member Wapner for the work they continue to do on the airport.

MOTION: Moved by Council Member Wapner, seconded by Council Member Dorst-Porada, and unanimously carried to adopt Resolutions No. 2012-069 and No. 2012-070

COUNCIL/ STAFF COMMENT

Council Member Dorst-Porada advised that September is National Preparedness Month and the Red Cross is presenting a video on the local cable channel that she urges residents to view so the community is well prepared in the event of an emergency.

Council Member Wapner commented on CJUHSD Board Member Josie Estrada's negative campaigning activities while running for City Council in a prior election.

Mayor pro Tem Mautz thanked everyone who participated in Ontario Night Out on August 7th. She said it was a wonderful evening.

Council Member Bowman thanked staff and the Crime Prevention Unit of the police department adding there was a terrific turnout. Mr. Bowman indicated he was anxious to see how Ontario ranked nationwide for this event.

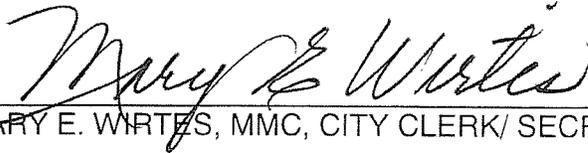
Council Member Dorst-Porada said she was happy to have been able to visit 11 Night Out events in the community.

Mayor Leon agreed Ontario Night Out was fun. He said he also attended the opening of the University of Phoenix Community Counseling Center in Ontario adding there are never enough counselors in a community.

ADJOURNMENT

No more business to come before the joint agencies, Mayor Leon adjourned the meeting at 7:07 p.m. and said the next regularly scheduled meeting will be held on September 4, 2012.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/ CHAIRMAN